

Misbranding was alleged in that the statement on the label, "Each gram contains not less than * * * 150 U.S.P. X (1934) Vitamin 'D' units * * * when biologically assayed," was false and misleading.

On January 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30236. Misbranding of Elmi Electro Mineralized Water. U. S. v. 51 Bottles of Elmi Electro Mineralized Water. Default decree of condemnation and destruction. (F. & D. No. 43197. Sample No. 21473-D.)

The labeling of this product bore false and fraudulent statements and designs regarding its curative and therapeutic properties. It also was labeled to create the misleading impression that it possessed peculiar electrical properties.

On August 5, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bottles of Elmi Electro Mineralized Water at Fisher, Ill.; alleging that the article had been shipped in interstate commerce on or about May 6, 1938, by the Electro Mineral Co. from Detroit, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was an artificially prepared mineral water containing approximately 0.7 percent of sodium sulfate, a small proportion of alkali, and negligible amounts of other mineral substances.

Misbranding was alleged in that the statements, "Electro Mineralized Water" and "Electro Mineral Company," borne on the bottle label, were false and misleading in that they represented that the article possessed peculiar electrical properties; whereas it did not possess peculiar electrical properties. It was alleged to be misbranded further in that the statement on the label, "Best of the World's Healing Spas," was a statement regarding its curative and therapeutic effects and was false and fraudulent. It was alleged to be misbranded further in that the combination of letters "Elmi," borne on the bottle label, was a statement, design, or device regarding its curative or therapeutic effects and had acquired such a meaning by reason of statements in circulars supplied to purchasers which combination of letters taken together with the statements in the circular, were intended to mean to the purchaser that the article was a treatment for rheumatism, indigestion, boils, decaying teeth, skin eruptions, pains in the joints, diabetes, and other ailments, and that it would afford material relief from all ailments no matter how serious or how obstinate; and were false and fraudulent since the article contained no ingredients capable of producing the effects claimed.

On December 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30237. Misbranding of Diatine and Betix. U. S. v. Scheidemann Remedy Co. and Emil H. Scheidemann. Pleas of nolo contendere. Fines, \$400. Payment suspended and defendants placed on probation for 5 years. (F. & D. No. 42613. Sample Nos. 47571-C, 8357-D.)

The labeling of these products bore false and fraudulent statements and devices regarding their curative and therapeutic effectiveness.

On January 3, 1939, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scheidemann Remedy Co., a corporation, Milwaukee, Wis., and Emil H. Scheidemann, president of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about July 7, 1937, and January 6, 1938, from the State of Wisconsin into the States of Ohio and Illinois of quantities of Diatine and Betix, respectively, which were misbranded.

Analyses showed the composition of the products to be essentially the same and that they consisted of coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries, and small quantities of uva-ursi and senna leaves.

The articles were alleged to be misbranded in that the package labels bore the following statements regarding their therapeutic or curative effects: "Diatine [or "Betix"] is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry"; that said statements represented that the articles were effective as treatments, remedies, or cures, for diabetes since they suggested, connoted, or represented

to sufferers from diabetes that the articles would assist their bodies in overcoming a condition characteristic of sufferers from diabetes, namely, the inability properly to utilize sugar in the blood through normal chemical processes and thereby restore a condition characteristic of healthy persons, namely, balance of body chemistry; that the package labels bore certain devices, namely, the designations "Diatine" and "Betix" which represented to purchasers that the articles were effective as treatments, remedies, or cures for diabetes since they were devised and coined in part from the name of the disease "diabetes" and were applied to the articles as devices to identify them with the disease diabetes, and to represent that they possessed a curative or therapeutic effect in the treatment of diabetes; that prior to the time of the shipment of the product, the defendants distributed to dealers in Diatine and Betix, for general distribution, a number of copies of booklets entitled "Diatine" and "Betix," which contained representations regarding the curative and therapeutic effectiveness of Diatine as a treatment of diabetes, and of Betix as a treatment of diabetes and Bright's disease; that the articles were not effective as treatments, remedies, or cures for diabetes or for Bright's disease; and that said devices and said statements on the packages were false and fraudulent both independently and in conjunction with each other.

On January 24, 1939, pleas of nolo contendere were entered on behalf of the defendant and the court imposed a fine of \$200 on each. Payment of the fines was suspended and the defendants were placed on probation for 5 years.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30238. Adulteration and misbranding of camphorated oil; misbranding of olive oil. U. S. v. Ralph Sachs (Sachs Manufacturing Co.). Plea of nolo contendere. Defendant fined \$25 and costs and placed on probation for 2 years. (F. & D. No. 42615. Sample Nos. 9581-D, 21204-D, 22429-D, 22512-D, 22513-D, 24220-D, 24222-D.)

The camphorated oil was found to contain less than 19 percent of camphor, the minimum prescribed in the United States Pharmacopeia, samples from the three shipments having been found to contain 17.19, 17.6, and 16.88 percent, respectively, of camphor. Two of the three shipments, and various lots of olive oil also covered by the case, were found to be short of the declared volume.

On January 7, 1939, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph Sachs, trading as Sachs Manufacturing Co., Pittsburgh, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act within the period from on or about January 11, 1938, to on or about April 4, 1938, of quantities of camphorated oil which was adulterated and misbranded, and olive oil which was misbranded. The articles were labeled in part, respectively: "A R O Pure Virgin Imported Olive Oil" and "A. R. O. Camphorated Oil U. S. P."

The camphorated oil was alleged to be adulterated in that it was sold under a name recognized by the United States Pharmacopeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopeia since that authority specifies that camphorated oil "contains * * * not less than 19 percent * * * of camphor"; whereas the article contained less than 19 percent of camphor, and its own standard of strength, quality, or purity was not stated on the container.

Misbranding of the camphorated oil was alleged in that the statements borne on the bottle labels, "Camphorated Oil U. S. P.," with respect to all lots, and "Contents 6 drams" and "Contents 2 oz," with respect to certain lots, were false and misleading in that they represented that the article conformed to the standard for camphorated oil prescribed in the United States Pharmacopeia, and that the bottles in certain lots contained 6 drams and 2 ounces, respectively, of the said article; whereas the article did not conform to the standards prescribed by the United States Pharmacopeia and the bottles in certain of the lots contained less than 6 drams and 2 ounces, respectively, of the article. Certain of the lots were alleged to be misbranded further in that the statement on the carton, "Guaranteed to comply with Pure Food Laws," was false and misleading in that it represented that the article complied with every provision of the Food and Drugs Act; whereas it did not comply with every provision of the Food and Drugs Act.

The olive oil was alleged to be misbranded in that the statement on the bottle label, "Contents 1½ fl. oz.," was false and misleading and was borne on the label so as to deceive and mislead the purchaser, since the bottles did